

Remarks

Claims 1-27 were pending. Due to the restriction requirement, claims 7-14, 16-17, 22-24, and 26-27 have been withdrawn without prejudice. No claims are added or cancelled. Therefore, claims 1-6, 15, 18-21, and 25 are now pending.

Due to the restriction requirement, claims 1 and 2 are amended to remove non-elected sequences, without prejudice. In addition, claim 1 was amended to clarify the claim. Support can be found on page 8, lines 6-9 of the application.

No new matter is introduced by these amendments.

Applicants elect Group I (claims 1-4, 6, 15, 18-20 and 25), as well as SEQ ID NOS: 20 and 25 (GPRv71), with traverse.

The present application was filed under Section 371. Therefore, the PCT rules regarding “unity of invention” apply. PCT Rule 13.2 stipulates that the requirement of unity of invention shall be fulfilled only when there is a technical relationship among the inventions involving one or more of the same of corresponding “special technical features”. The expression “special technical features” is defined as those technical features that define a contribution which each of the inventions, considered as a whole, makes over the prior art.

It is alleged in the Office action that the inventions of Groups I-X do not relate to a single general inventive concept under PCT Rule 13.1. For example, on page 3 of the Office action, it is stated that “Glucksmann et al., (U.S. Patent number 5,945,307, issued 8/31/1999), disclose a GPCR nucleic acid (SEQ ID NO: 1) encoding a GPCR polypeptide (SEQ ID NO: 2)...” and alleges that the isolated DNA of claim 1 is not a technical feature that defines a contribution over the prior art.

Applicants respectfully disagree, and traverse the restriction, and request reconsideration of the restriction requirement, especially with regards to Groups I and II. Glucksmann *et al.* do

not anticipate the invention of claim 1. Nevertheless, to expedite prosecution and to clarify the difference between the present invention's GPRv71 and the prior art's GPCR, Applicants have amended claim 1(c) to specify that the number of amino acid alterations is "10% or less" of the entire amino acids. Since the sequence identity between the Glucksmann GPCR and the present invention's GPRv71 is not so high (either at amino acid and nucleotide sequence level), the above-mentioned amendment clarifies that the claimed invention does not encompass the gene/protein of Glucksmann *et al.*. Therefore, the isolated DNA referred to in amended claim 1 now serves as a special technical feature that contributes over the prior art.

Furthermore, Applicants respectfully submit that Groups I and II are related in that the DNAs of Group I encode the polypeptides of Group II. Example 39 of the PCT International Search and Preliminary Examination Guidelines¹ illustrates the case between the following claims:

Claim 1. Isolated protein X having SEQ ID NO: 1.

Claim 2. Isolated DNA molecule encoding protein X of claim 1.

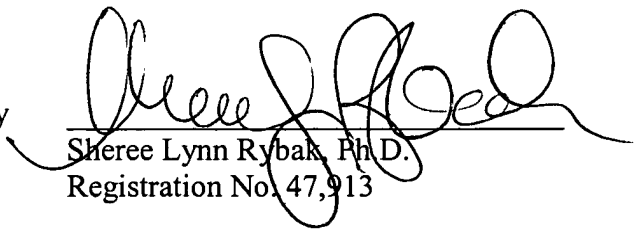
The Guidelines conclude that "[t]he claimed DNA molecule encodes protein X, and therefore protein X and the DNA encoding protein X share a corresponding technical feature. Consequently, the claims have unity of invention". In view of the above example, Applicants request that unity between Groups II and I be acknowledged in the instant case. Applicants respectfully request the Examiner reconsider the restriction requirement and examine these two groups in a single application.

¹ MPEP Appendix AI, Annex B, "Unity of Invention", section (I) states that examples giving guidance on how the "unity of invention" principles may be interpreted in particular cases are set out in "the PCT International Search and Preliminary Examination Guidelines".

If there are any questions regarding this amendment and response, the Examiner is invited to telephone the undersigned.

Respectfully submitted,

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